

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                            |   |                                    |
|----------------------------|---|------------------------------------|
| RHONDA HAWKS,              | ) |                                    |
|                            | ) | Civil Action No. 2:21-cv-00612     |
| Plaintiff,                 | ) |                                    |
|                            | ) | Magistrate Judge Lisa Pupo Lenihan |
| v.                         | ) |                                    |
|                            | ) | ECF No. 75                         |
| THE PNC FINANCIAL SERVICES | ) |                                    |
| GROUP INC., and            | ) |                                    |
| THE PNC FINANCIAL SERVICES | ) |                                    |
| GROUP, INC. AND AFFILIATES | ) |                                    |
| LONGTERM DISABILITY PLAN,  | ) |                                    |
|                            | ) |                                    |
| Defendants.                | ) |                                    |

**MEMORANDUM ORDER**

On September 11, 2023 this Court entered its Text Order directing the parties' supplemental responses to Defendant's Motion for entry of a stay of judgment with security pending appeal (Motion at ECF No. 75; Order at ECF No. 77). Plaintiff has filed her Response effectively affirming that she has no objection to Defendant's Motion or Proposed Order (Plaintiff's Response at ECF No. 78; Defendants' Proposed Order at ECF No. 75-1). And Defendant has filed its Amended Notice of Appeal (ECF No. 79).

The parties agree that Defendant may deposit cash in the sum of \$200,000 with the Clerk of Court in lieu of posting a supersedeas bond under Fed.R.Civ.P. 62, and the Court in its discretion concurs subject to the provisions of Fed.R.Civ.P. 67 and Local Rules 67 through 67.2. *See e.g., Kotsopoulos v. Asturia Shipping Co.*, 467 F.2d 91, 94 (2nd Cir. 1972); *Shaver Transp. Co. v. Chamberlain*, 399 F.2d 893, 895 (9th Cir. 1968);

McCollough v. Johnson, Rodenberg & Lauinger, CV-07-166-BLG-CSO, 2009 WL 10701734, at \*1-2 (D. Mont. July 7, 2009); Innovation Techs., Inc. v. Splash! Med. Devices, LLC, CIV.A.1:06CV0647TWT, 2007 WL 5268397, at \*1 (N.D. Ga. July 20, 2007).

Although Defendant has not incorporated Local Rule 67 procedures (*e.g.*, submission of the Clerk's Standard Investment Order for review under Rule 67.2(c)) in its Motion, the Court will reflect the language of the standard order in directing the Clerk that Defendant's deposit be accepted into the Registry of the Court and administered, in accordance with Federal and Local Rules 67, under the Court Registry Investment System.

The Court having duly considered this matter, it is:

**HEREBY ORDERED** that Defendant's Motion to Stay Judgment Pending Appeal and for Approval of Proposed Cash Security, ECF No. 75, is **GRANTED** and Defendant is directed to deposit security for its pending appeal with the Clerk of Court in the amount of \$200,000.00 within 21 days of entry of this Order.

**IT IS FURTHER ORDERED** that the Clerk deposit said \$200,000.00 security into the Court's Registry. As soon as the business of the office allows, the Clerk will deposit the money into an interest-bearing account, under the Court Registry Investment System ("CRIS") administered by the Administrative Office of the United States Courts under 28 U.S.C. 2045. This shall be the only investment mechanism authorized.

The custodian CRIS is authorized and directed to deduct the investment service fees for the management of investments and the registry fee set by the Judicial Conference for maintaining accounts deposited with the Court.

The Clerk will be directed to administratively close this case by separate Order.

Dated: September 21, 2023

By the Court:

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', written over a horizontal line.

Lisa Pupo Lenihan  
United States Magistrate Judge